

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, May 11, 2023

Riverside, OH

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 6:00 pm at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, absent; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Nia Holt, Zoning Administrator; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Mr. Maxfield moved, seconded by Mr. Joseph, to excuse Mrs. Franklin. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made to the agenda.

APPROVAL OF AGENDA: Deputy Mayor Lommatzsch moved, seconded by Mr. Joseph, to approve the agenda as presented. All were in favor. **Motion carried.**

WORK SESSION ITEMS:

I. Mad River Pee Wee Football Agreement – Mr. Lohr stated that the Pee Wee Football league has an active license agreement with the City of Riverside for use of Community Park that dates back to 2012. Some of the points of discussion they have had with the football league and members of the community involve access to the park. The league has a large group of kids that use the park for games and practices. Concerns have been expressed by the community making sure they can get access to the park. Another issue involves the electricity cost. Currently, the city pays the majority of the electricity costs. There are a number of things they want to clean up and work out in the agreement. They have been working with the Mad River Indians to come up with an updated license agreement that addresses these concerns. They have asked that the football league pay 75 percent of the concession stand, which would reflect the period of the year that they use the field. With the addition of their flag football league, they would be using it nine months of the year. The city would pay the other 25 percent of the concession stand. The league would also pick up 100 percent of the cost of the field lights. Right now, the city does not have access to the concession stand. They have asked the league to install a Knox Box on the concession stand that will allow the city access in case of emergencies. In addition, the city would like to do inspections of the property on an annual basis. They have noticed some high heating bills over the winters and want to make sure they are turning the temperature down and winterizing the building, as well as, doing an inspection at the start of the season to make sure

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everything is good with the building. The city has already spoken with the liability insurance and reviewed the amounts in the contract to make sure if there is an accident or the building is damaged or if somebody gets hurt, then the appropriate amounts are in the contract to cover the city as an additional insured. They have a provision in the contract for the football league to clean up and policing the litter. Having this will give them steps to take should litter get out of control and also allow them to notify them in writing and/or charge them to clean up the property. Plans are to bring this to council in June; the board of the football league will be looking at it a week from tomorrow to discuss the draft. He added that there was concerns from the residents on access to the park when the football league is there. The current agreement prohibits them from stopping anyone from coming into the park. There just seems to be some confusion on this. They are working with the football league on how to direct people into the park by having foot traffic come in through the side road and handicap and football traffic enter in through the main entrance. There will be signage up to direct people and the football league will have people stationed to help with the flow.

Mr. Denning asked who is responsible for the maintenance of the heating at the concessions. Mr. Lohr replied that he understands it as the league being responsible. They did not discuss that specifically, but he can take a look at the agreement. Mr. Denning suggested that they have it looked at each year and provide a receipt indicating they have done that. Mr. Lohr stated he would make sure that is addressed.

Mr. Maxfield stated that on practice nights no one is prevented on coming into the park. Game days are different as they are trying to charge admission for the game. Mr. Lohr stated as far as he knows no one has been stopped from entering, but there is a perception that the park is in use and maybe a person feels they cannot come in. He hopes signage will be clearer for residents. They will get this out through social media.

Mr. Joseph asked if they used the concession stand year round. Mr. Lohr stated they only use it April through the end of November. The city owns all the facilities, but the league is the only one who uses it. The league has exclusive use of the buildings. Mr. Lohr stated he cannot imagine another circumstance where they would want another community organization to use the facilities on the off season because of the circumstances there. Mr. Maxfield added that the league is a non-profit organization that is a great service to the community. They barely break even every year.

Deputy Mayor Lommatzsch stated in the past the league paid all of the lights and the maintenance of the grass. She asked if that was still in practice. Mr. Lohr stated they pay the electricity for field lights. With the concession stand, the city has been paying 100 percent. They would now like them to continue paying the field lights and 75 percent of the concession. They are the exclusive user of the concession stand. The league indicated they were comfortable with that as it was mentioned earlier in the year.

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Discussion was held on the mowing and maintenance of the football field. Discussion was held on anything built on the property is the ownership of the city.

Mr. Joseph asked if it would make sense to give them an annual lease to the facility since no one else will be using it. He stated the access is concerning to him because they are a non-profit organization running an event out of the space that they pay money to maintain, and their sole source of income is to charge money for the event or player registration fees then could they close the park for their use for that event. Discussion was held on closing the park for these activities on the five or six weekends a year that the pee wee football uses the field. Ms. Fry stated that parents take their children to the park on the weekends. Mr. Rauch stated they can run that by an attorney, but it is a public asset, and they would not normally restrict access to the asset. He stated that this is a gap area they need to address and leads to the next topic as they have a mechanism to lease a shelter in a park, but not to give someone full access to a park. This is a process they will continue to research. Discussion continued on exclusivity on certain activities and whether or not to limit public access to the parks for such activities.

II. Shellabarger Park Use Agreements – Mr. Lohr stated that St. Helen's and Temple Christian School soccer leagues use Shellabarger Park, annually. It has been problematic at times to do this every year since parks and rec want to pin down exact times when they want to use the fields so they can open to other uses when not in use. That conflicts with the leagues since leagues schedules don't come out until a few weeks before the league starts. Their thought is to enter into some sort of long term agreement with them. They want the city and the leagues on the same page to be able to use the park for their soccer seasons. Discussion was held on the issue being availability of fields since admission is not charged like pee wee football. Mr. Lohr stated when discussed with the parks and recreation commission it has been their desire that the two leagues needs to work together. They have worked out something into that license agreement where they have use of the park, but they are expected to work out scheduling with the organization.

Mayor Williams asked that in the user agreement, while the city cuts the fields, the users would need to put paint down and provide soccer goals. Mr. Lohr confirmed that the city does not have goals and that would be correct. Nets have been a concern. They can put that in writing, so they do not need to continually have a discussion. Deputy Mayor Lommatzsch asked if the adults use it on Sundays like they did last year. Mr. Lohr stated there has not been a complaint since the pandemic. He added they never came in with an application for use of the fields. Discussion was held on goals, nets, and any equipment left in the parks by leagues, and what elements are needed in the agreement, so all parties understand. Mr. Maxfield stated that an organization based within the city should have preference over an organization outside of Riverside. Mr. Denning stated they also need to provide the mowing schedule to the leagues, so if mowing is needed prior to a game or practice, the league will need to do it.

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Mr. Lohr stated that if council supports the idea of getting the leagues on a license agreement, then he and Ms. Bartlett will scheduled meetings and get the two groups together and negotiate the license agreements. Mayor Williams stated it is good to have it all in writing.

Mr. Rauch stated for the pee wee football agreement they will wait to get feedback from the football league regarding the scope of the agreement and will work in items such as access and fees. He stated they will come back to them in another work session where they can review it in detail. They will take a similar approach on Shellabarger Park and follow a similar approach.

Ms. Fry stated the lead in on the hole they are trying to fill was on uses of the entirety of the park. One thing they didn't discuss was festivals. She asked if that is something they still need to address. Mr. Rauch stated they will be discussing that at a later time.

III. Stormwater Utility Fee Update – Mr. Rauch provided a draft version of the 2023 Stormwater Utility Implementation Schedule. They are scheduled to initiate a stormwater policy manual with their new general engineering firm in June. This will include everything they need to handle administratively such as appeals, requests to change square footage, survey requirements, and other items. They have drafted some initial educational materials and substantially completed the parcel calculations. They have updated the initial stormwater infrastructure costs that they were provided from the last assessment from 2015-26 to account for inflation. They have developed the cost allocation model and options for how they may build this out and selected the utility billing software, SSI, for implementation the third quarter of 2023. At this point, they are reviewing other policy members by neighboring communities. In July, the city will publish initial educational pieces. He intends to carry it forward working with the school district on public information and public information. They can always make their own campaign. By August, they hope to have the utility billing module be substantially implemented to getting that through the finance software and ready to have the finalized amounts imported. By September, he plans to have the estimated or proposed stormwater rates and collections concepts plugged into the 2024 budget. He does not plan to ask council to make any sort of firm commitment on a rate until the latter half of this year or early next year depending on how the calendar continues to evolve. He wants them to go into 2024 with some of idea of what they are able to collect based on the target and on the different ways people may be able to pay for it. He does not want to be overly aggressive going into next year, because it will depend on what their rate actually is and how people want to pay. He added that he plans to have the policy elements ready to be adopted by September or fourth quarter of 2023. By the end of the year or early next, he will come to them with the proposed fee structure. He stated that they will calculate the rate on a monthly basis, but they may only be able to bill annually. He stated the major obstacles are personnel and capacity at city hall. There

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have been a number of transitions. He knows Mr. Garrett will be retiring sometime this year. They will need to bring somebody on board and get them up to speed. They need to build enough time if they need to supplement finance staff they can do it in a way that is comfortable for the organization to withstand.

Deputy Mayor Lommatzsch asked if the funds brought in for stormwater have to be used for stormwater control. Mr. Rauch replied that is correct; the funds can be used for capital, operating and/or personnel directly related to the service. Mr. Joseph asked if someone asks for it to be assessed on their property tax, then they get that bi-annually, but what is the process when the sale of the property happens. Mr. Rauch replied that the next owner would pay the tax bill. Discussion was held on back taxes and payment options. The fee runs with the parcel and not the owner; the owner can choose to have is assessed or pay in another way. It will be an annual bill. It can be paid upfront or assessed. Discussion was held on payment options and delinquency services or collections. Mr. Rauch stated if an option to pay is not selected it would go on as an assessment. A letter is sent to the property owner on options to pay. Mr. Joseph suggested a desk audit be done in finance as they do not know upfront what the time commitment will be for utility billing as it is not a traditional utility. Mr. Rauch stated that the thought process for them is the big staffing capacity lift in the near term is configuring the utility billing software program. Once it is configured, the staffing level becomes validating specific requests from businesses, from residents, and then going into the system what they will bill and collect. That is the piece where the desk audit would help. They have to have some of it in place to gauge it.

Mr. Rauch presented a draft of the estimated base Equivalent Residential Unit (ERU) fee calculation. He stated they began with the rate of \$10/month and is holding to that same assumption. He pointed out the projected needs from the 2015 study identified about \$15 million for major stormwater infrastructure projects not regular curb and gutter projects. After running through the inflation rate, it is equivalent to \$18.9 million in 2023 for capital construction costs. If they amortize capital costs over 20 years to do these infrastructure projects, they need approximately \$950,000 a year. This is the first component of what they would try to collect annually. The second component would be staffing and operating. He stated there are already things they do in the service department attributable to storm water that total about \$682,500. In addition, they would hire positions exclusive to storm water and front line labor totaling \$450,000. Then, annual license fees for software and collection related expenses would cost \$60,000. For operating costs, they would need to bring in about \$1.2 million. The two components total \$2.1 million that they would need to bring in annually to support the capital and operating. The total ERUs in the city are 18,421, and with an annual fee per ERU at \$116.13, equates to a base monthly fee per ERU of \$9.68. He feels the \$10 rate is reasonable. If they proceed in this direction, they would collect enough to implement the stormwater program over 20 years and maintain it. Discussion was held on the

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specific billing structure as to whether or not everyone will pay the same or based on their property. This will be another work session.

IV. Community Reinvestment Areas and Housing Council Appointments - Ms. Holt provided a brief update on the CRAs; the City of Riverside has three areas: northern, central, and southern. They have had inquiries and in order to review the applications and determine if the project is eligible for a tax exemption, a housing council needs to be appointed. The housing council has terms of three years with the member formation as follows: mayor appoints two members, city council appoints two members, and the planning commission appoints one member. The majority of the members appoint two additional members, residents 'at large'. Once the board determines if an applicant qualifies for the tax exemption and making the recommendation to move forward, then city staff and legal can start negotiations for a CRA tax exemption. Their role is to make sure applications qualify. The council then would make the determination to approve the exemption. Staff makes an agreement with the developer and puts it into an ordinance. Council decides within 15 days and then that ordinance with all documentation is submitted to the state. The city has an active CRA, The River Lofts, through St. Mary's and not the city as they don't have an active council. Mr. Rauch stated if council has recommendations on appointments to the housing council to fulfill the role to let staff know. It would be done as a letter of appointment through a council motion. Ms. Holt stated since they don't have a standing board, they need to reactivate that board. Discussion was held on staff providing guidance for the board and the information that would be provided to this housing council. Mr. Rauch stated they would do their due diligence with reports and accompany people through the process, what they are legally allowed to recommend under the statute, staff's opinion on the request, and answer any questions.

Deputy Mayor Lommatzsch stated this will put Riverside more in the game, so they have better control on what happens regarding housing in the city. Ms. Holt stated it can be used for commercial development as well. Mayor Williams asked for the map to be on the website to show opportunities in multiple parts of the city. Mr. Denning asked what this does for a developer.

Ms. Holt stated that for a housing development it can help with construction cost. For a commercial development, they are bringing jobs in. They are incentivizing growth and development in areas identified in a CRA by giving a property tax exemption. Similar to a TIF except instead of that money going into a city administered fund, it is provided as a tax break to the developer.

Mayor Williams stated CRA's aren't found just anywhere. There are factors involved in selecting the area and how an area is determined. As a city these are areas they would want to allow investments to be more encouraged in some of those areas. For that

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reason, it is something they should have to be in the game. It may drive investments in areas that haven't had a lot of investment.

CITY MANAGER UPDATES: Mr. Rauch acknowledged an award received by the Riverside Chamber earlier today. He congratulated them on all the hard work they do. He added that staff is looking forward to welcoming Chipotle to the community with their opening next Tuesday. It is a sign of the progress the city is making.

COUNCIL MEMBER COMMENTS: Deputy Mayor Lommatzsch thanked the staff who showed up for the Riverside Chamber award recognition by the Presidents Club of Dayton. The Fairborn Chamber was recognized as well. The volunteerism and support of the base and their activities. She appreciates the mayor and city manager for showing up along with the secretary for MVMAA attending.

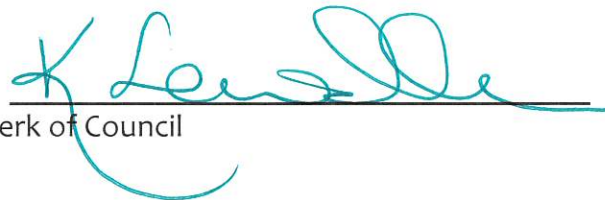
Ms. Fry stated that she does not understand the hostility toward the St. Mary Development Corporation, but she feels the need to say she appreciates the Lofts in Riverside. They do good work for the members of the community. She publicly thanked the Jaycees for the quiet work they do for the community. She has a family member who lives in Mad River Member who does not get out much, but the Jaycees did a community meal at the Manor, and she was happy to see how much it warmed her to be able to do that. Mr. Denning stated that they try to do one at least once a year; it hasn't always been easy and with Covid it stopped.

Mayor Williams stated he has a tremendous amount of love for St. Mary's and their staff. They do great work here and across the region. He admires the organization, and they are doing work a lot of work folks aren't able to do.

ADJOURNMENT: Mr. Maxfield moved, seconded by Mr. Joseph, to adjourn. All were in favor. The meeting adjourned at 7:09 pm.



Peter J. Williams, Mayor



Clerk of Council

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